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FACSIMILE TRANSMITTAL PAGE

DATE: July 26, 2002

TO: Philip C. Tucker FAX: 703-872-9311

COMPANY: United States Patent & Trademark Office PHONE: 703-308-0529

PAGES: 2^{1/2} (including this transmittal page) CLIENT/MATTER: ECO530/36000

FROM: Randall C. Furlong

MESSAGE:

RE: U.S. S/N 09/501,559

FAX
JUL 26 2002
GROUP 1

Hard Copy Follows: ☐ Yes ☒ No

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PTO/SB/29 (10-00)

Approved for use through 10/31/2002 OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))CHECK BOX, if applicable:
☐ DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	EC0530/ 4-2
	First Named Inventor	Chowdhary, et al.
	Examiner Name	P. Tucker
	Group Art Unit	1712
	Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 501,559
filed on 02/09/2000, entitled IMPROVED HYDRATION OF GUAR GUM POWDER

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371 Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14866 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

CIP NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEE OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

PTO/SB/29 (10-00)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (i))		53 -20* =	33	x \$9.00 =	\$ 297.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (j))		7 -3** =	4	x \$42.00 =	168.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$	0.00
				BASIC FEE (37 CFR 1.16)	370.00
				Total of above Calculations =	835.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	835.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 22 - 0365.a. ☐ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☐ A check in the amount of \$ _____ is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired _____

(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☐ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)13. ☐ Other: _____**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

22892

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

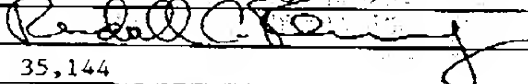
Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)

Randall C. Furlong

Signature



Registration No. (Attorney/Agent)

35,144

Date

July 26, 2002

PTO/SB/29A (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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1. ADDRESS

Applicant's Mailing Address for this receipt must be CLEARLY PRINTED or TYPED in the box below.

Randall C. Furlong
Vinson & Elkins, L.L.P.
2300 First City Tower
1001 Fannin Street
Houston, Texas 77002-6760

NOTE: By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the USPTO and (b) verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.

RECEIPT**FOR****FACSIMILE TRANSMISSION****CPA**

(To accompany a request for
a Continued Prosecution Application (CPA)
under 37 CFR 1.536
filed by facsimile transmission)

2. APPLICATION IDENTIFICATION:

(Provide at least enough information to identify the application)

a. For prior application

Application No.: 09/501,559
Filing Date: 02/09/2000
Title: IMPROVED HYDRATION OF GUAR GUM POWDER
Attorney Docket No.: EC0530/4-2
First Named Inventor: Chowdhary, et al.

b. For instant CPA application

New Attorney Docket No.:
(If applicable)

The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.

(THIS AREA FOR PTO DATE STAMP USE)

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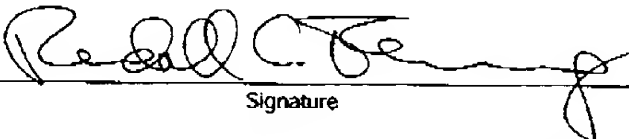
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PTO/SB/97 (08-00)

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Officeon July 26, 2002
Date
SignatureRandall C. Furlong Reg. No. 35,144

Typed or printed name of person signing Certificate

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A

Docket No. ECO530/4-2

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

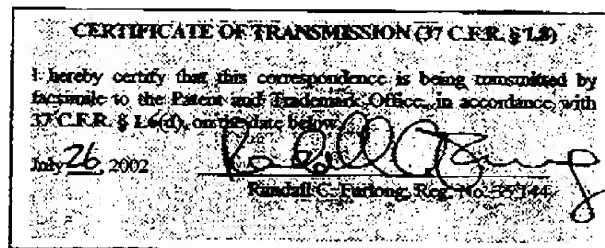
In re Continued Prosecution Application: Chowdhary, et al.
Serial No.: 09/501,559
Filed: February 9, 2000
Art Unit: 1712
Examiner: P. Tucker
For: IMPROVED HYDRATION OF GUAR GUM POWDER

JUL 26 2002

Box CPA

Commissioner for Patents

Washington, D.C. 20231



PRELIMINARY AMENDMENT; RESPONSE TO
FINAL OFFICE ACTION MAILED APRIL 29, 2002

Dear Sir:

In view of the Examiner's objections and rejections in the Final Office Action of April 29, 2002 in the parent application (the "Office Action"), please amend the Continued Prosecution Application (CPA), whose request therefor is transmitted herewith, as follows:

IN THE CLAIMS

Claim 2 has been preliminarily amended as follows:

2. (Amended) A method of manufacturing a powder having improved hydration characteristics, the method comprising the steps of:

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370.00 CH
297.00 CH
168.00 CH